

REMARKS

A Request for Continued Examination is filed with this response. Entry, reconsideration, and allowance are respectfully requested.

Consideration of the IDS filed on February 2, 2010 is requested.

Applicants note with appreciation the indication of allowable subject matter in claims 37, 42, 52, and 57. For the reasons explained below, Applicants believe that all the pending claims should be allowed.

Claims 34, 49, and 65 are amended to specify an application node interworking unit which is supported for example on page 7, lines 11-13 of the PCT published application. Claim 49 is also amended to recite that the message controller is a message controller of a mobile communication system. Claims 34, 49 and 65 are also amended in order to clarify the nature of the claimed "message" in a mobile communication system, the claimed "application node" as different from a node of a subscriber, an "application node interworking unit" that takes care of messages from the non-subscriber application node. Claims 62-64 are canceled without prejudice.

Claims 34, 36, 38-40, 44-49, 51, 53-55, and 59-66 stand rejected under 35 U.S.C. §103 as allegedly being obvious in light of Allison and Fujino (US 2003/0174689). This rejection is respectfully traversed.

Allison describes a short message service (SMS) flood control routing node that receives short message service messages, determines the presence of short message service flooding, and takes appropriate action, such as discarding short message service messages that result in flooding. The presence of short message service message flooding may be determined by maintaining a count of short message service messages addressed to a particular called party

within a time period. If the count exceeds a threshold, the short message service message that caused the count to exceed the threshold may be discarded. The routing node may generate a message the originator of a short message service message flood and/or to an enforcement agency.

The claimed technology solves problems that stem from the fact that there is no absolutely reliable one-to-one association between a specified SIM card (IMSI) and a specified subscriber (MSISDN). As described in the present specification, e.g., paragraphs [0004] and [0027-0029] of the published application, situations may occur when a single MSISDN number can be associated with more than one IMSI or IMEI number, and therefore, be associated with more than one SIM card or mobile equipment.

The Examiner admits that Allison lacks the claimed first hardware identification data that uniquely identifies an intended terminating receiver of the message. For this feature, the Examiner applies Fujino which uses the term mobile station ISDN in [0011] as “permanent subscriber data as to each of the mobile subscribers,” where MSISDN “specifies a proprietary mobile subscription by using a PSTN numbering plan.”

As described in a preferred example embodiment in the present application, message handling is supervised by a central message controller available through the core network. An incoming message is thereby always directed to one message controller regardless of the final address. The message controller then administrates the operations to follow.

Fujino concerns a general packet radio service system that tries to avoid some unnecessary signalling forth and back over the same connection. Fujino’s single packet is addressed to a final hardware destination and routed to that destination by routers along the way in the communication network. A message (claim 34 recites messages) like the SMS in Allison

differs from the general data packet described in Fujino. In contrast to Fujino's packet, the claimed message is a short data entity that is addressed to a specific user rather than to a specific hardware.

The message is handled by a dedicated message controller in claim 34. A single packet message is a short message, so sending it back and forth over the same connection does not create a significant load. The claimed application node generates and sends the single packet message using an addressing scheme like that of a packet but without violating the overall message structure. As recited in the independent claims, the application node is not associated with a subscriber and thus cannot be a subscriber node.

Furthermore, the message is received by an application node interworking unit of the message controller. Contributions from non-subscriber nodes are dealt with the application node interworking unit, while messages originating from subscribers enter the message controller in another way. Fujino does not disclose transferring a message to an application node interworking unit of a message controller.

Fujino's packet sender and packet receiver are likely situated in the same branch of the communication network, and as a result, there likely is a direct signalling path to the receiver that does not pass through any central core network node. This direct signalling connection saves resources in the network because signalling to/from the central core network and within the central core network is omitted. Because the packets may be very large in size, shortening the distance that signalling must travel reduces the signalling load, which as mentioned above, is the main purpose in Fujino.

The inventors address a different situation from the one Fujino addresses. The claimed messages are short in length, as compared to packets, which means that the signalling load

caused by the relatively short messages is small. And the claimed messages are produced by an application node that is not a subscriber of the mobile communication system. But the intended receiving terminal is a part of the mobile communication system. Because the claimed message is introduced by an application node interworking unit that is not a part of the mobile communication system, there can not be any load reduction like there is in Fujino. According to Fujino, the sender and the receiver must be situated in the same branch (under the same RNC) or the same part (under the same SGSN or GGSN) of the communication system. This is not the case in the instant claims. The goal for Fujino is to shorten the signalling path by excluding at least the core network. Thus, there is no motivation for one skilled in the art to communicate a hardware address to a location updated subscriber database for managing of the message/packet from its technical content and to add this to a message system. This is an improper hindsight analysis because the idea of using hardware identification data in a centrally managed message system is not present in Fujino.

Even if Allison and Fujino were combined for the sake of argument, such a combination does not disclose “transferring one of said messages and first hardware identification data that uniquely identifies an intended terminating receiver of said one message from an application node to an application node interworking unit of a message controller of said dedicated message controller.” Neither reference discloses using hardware identification data in an interworking unit for a message obtained from an application node.

Claims 35, 41, 50, and 56 stand rejected for obviousness based on Allison, Fujino, and Mizell (2003/0126435), and claims 43 and 58 stand rejected for obviousness based on Allison, Fujino, and Brune (6,993,320). Mizell describes a method for authentication but lacks a teaching of transferring of a message and the claimed hardware identification data that uniquely identifies


BLECKERT ET AL.
Appl. No. 10/586,618
April 22, 2010

an intended terminating receiver of the message. Nor does Mizell disclose the claimed interaction between a message controller and the location updated subscriber database or managing based on the hardware identification data and data from the database. Likewise, Brune's method for billing telecommunication services is similarly deficient.

The application is in condition for allowance. An early notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100